

**AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, ESTABLISHING THE MAXIMUM SPEED LIMIT ON FM 2934, LOCATED IN THE CITY OF FRISCO, TEXAS, DENTON COUNTY, TEXAS; PROVIDING FOR NOTIFICATION OF THE MAXIMUM SPEED LIMIT BY THE INSTALLATION OF SIGNS AND MARKERS TO REGULATE VEHICULAR SPEED ON THE DESIGNATED STREET; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, §545.356 of the Texas Transportation Code provides that whenever the governing body of the municipality shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or prudent under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City of Frisco, Texas ("Frisco"), taking into consideration, among other things, the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and prudent prima facie speed limit thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway; and

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") finds it is necessary for the protection and safety for the citizens of Frisco to declare a reasonable and prudent speed for FM 2934 within the City of Frisco, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Establishment of Prima Facie Speed. Upon the basis of an engineering and traffic investigation, and as authorized by the provisions of §545.356 of the Texas Transportation Code, the following prima facie speed limit hereinafter indicated for vehicles is hereby determined and declared to be safe, reasonable and prudent, and such speed limits are hereby fixed at the rate of speed indicated for traveling upon FM 2934 as follows:

FM 2934	from the Denton County Line to FM 423	50 mph
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When no special hazards exist that require a lower speed, the speed of any vehicle not in excess of the limit specified shall be lawful, but any speed in excess of the limit specified shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

**SECTION 3: Placement of Signs.** Signs indicating the speed limit provided herein shall be placed at the most advantageous points to be conspicuous to approaching vehicular traffic. The signs shall be permanently affixed to a stationery post or installed on permanent buildings or walls or as otherwise approved. The signs shall in no way be obstructed from view, and shall comply with applicable state laws.

**SECTION 4: Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 6: Penalty Provision.** Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00). Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 7: Effective Date.** This Ordinance shall be effective upon its passage and publication as required by law.

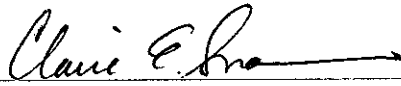
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS,** on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Maher Maso, Mayor

**ATTESTED AND CORRECTLY  
RECORDED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jenny Page, City Secretary

  
\_\_\_\_\_  
Abernathy Roeder Boyd & Joplin P.C.  
Claire E. Swann, City Attorneys

Date of Publication: \_\_\_\_\_, *Frisco Enterprise*